

Council met in **REGULAR SESSION** on Monday, April 14, 2014, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Megyes gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, March 24, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to accept the Finance Department Report for March, 2014, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

None

MATTERS REFERRED

Each Council Member, the Mayor and Service Director were given a report prepared by the Council Clerk listing all matters before all committees.

CITIZENS ADDRESSING COUNCIL

Eleanor Painter, 664 E. State Street, Barberton – Mrs. Painter stated that she is not here to object to what Mr. Muffet is going to be doing but she has a few questions that she would like to have answered. She said the first thing is about the flooding problem. She stated she understands there will be a retention pond so that would take care of the flooding, or some of it and she would also like to know about landscaping. She asked if there is going to be any landscaping and if there was going to be a fence around the storage units. She stated she is not going to object to them being built and that she would just like the questions answered and she does not think anyone else is going to object and that they are going to have to have something there and this seems the lesser of two evils. Mr. Maurer asked that Mr. Bauschlinger give Mrs. Painter his phone number and a lot this will be covered under the building code.

The following Minutes are not transcribed verbatim. This meeting has been recorded in its entirety and the tape is catalogued in the Clerk of Council's office.

FIRST READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 43-2014

RESOLUTION NO. 43-2014. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – CAPTAIN MICHAEL SEIFERT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CAPT. MICHAEL SEIFERT FOR HIS 29 YEARS OF DEDICATED SERVICE TO THIS CITY AS A MEMBER OF THE BARBERTON

FIRE DEPARTMENT. It was moved by Mr. Soyars, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, that **RESOLUTION NO. 43-2014 BE ADOPTED.** Chief Baldwin stated that he would like to thank Mike for his service to the City - 29½ years. He said he has enjoyed working with Mike ever since he got hired and he has worked with him for 25 years. He stated he is a good man and pretty much everybody’s favorite shift commander that they want to work for. Chief Baldwin said he is a really good guy and always looks out for his guys. He said he is very conscience about doing his job and takes it seriously at all times and looks out for everybody’s best interest including everybody under him as well as his own. He stated it has been a pleasure to work with him. He could always count on Mike to do the right thing and make the right decisions and whenever he is in charge he does not have to worry about what was going on. He thanked Mike and said he appreciates everything and wished him good luck in whatever he does and told him his door is always open to him. Mr. Maurer stated that he is someone that has managed many people for a long time in his career and probably one of the most difficult things to do is replace someone with experience. He stated it can’t be done and that experience is the greatest teacher and having people like Mike bringing the young guys along. He stated you never know how many lives you saved or how many people could have wound up in a bad way or left the department but because of the right type of leadership we are able to keep good men. He stated there is no replacement for that type of experience. He stated that the City and the department, in particular, are going to be diminished by his leaving but he is sure he has earned it. Mr. Maurer said the City is indebted to him and appreciate his service. Mr. Bauschlinger said his congratulations and it has been a pleasure to work with him the entire 29½ years that he has been here and that he is a class act. He said any time he knew he was dealing with him he knew that he was dealing with a professional and knew that it was someone that would be taken care of the interest of both the City and the citizens. He said congratulations and good luck in his new endeavor. Mr. Judge stated that he would like to echo some of the same statements – he appreciates his dedicated service to the City and the residents and wishes him luck in his retirement. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mrs. Debevec, to recess in order to give Captain Seifert his commendation.

Recessed: 7:44

Reconvened: 7:47

ORDINANCE NO. 40-2014

ORDINANCE NO. 40-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF SWEEPER - STREET DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH SOUTHEASTERN EQUIPMENT TO PURCHASE A 2013 SCHWARZE A4000 SWEEPER IN THE AMOUNT OF \$125,491.90 FOR OUR STREET DEPARTMENT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 40-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 41-2014

ORDINANCE NO. 41-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – GPD ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD ASSOCIATES, IN AN AMOUNT NOT TO EXCEED \$237,500, FOR ENGINEERING SERVICES TO INCLUDE THE PERMISSIVE AND RESIDENTIAL ROAD PROGRAMS, INFRASTRUCTURE, AND MISCELLANEOUS CRACK SEALING AND STREET STRIPING, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 41-2014 BE ADOPTED.** Mr. Maurer stated he has been here for a long time and he remembers when the entire paving budget was only about \$230,000-\$240,000 and on a good year they could spend \$500,000 so hopefully there is going to be a lot better things to straighten maintenance coming down the road. All Members voted “yea.” Motion carried.

RESOLUTION NO. 42-2014

RESOLUTION NO. 42-2104. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MRS. DEBEVEC. TITLE: STATE ISSUE 1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON URGING OHIO VOTERS TO SUPPORT STATE ISSUE 1, RENEWAL OF THE STATE CAPITAL IMPROVEMENTS PROGRAM, ON THE MAY 6, 2014 BALLOT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that **RESOLUTION NO. 42-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 44-2014

ORDINANCE NO. 44-2014. PRESENTED BY: MR. SOYARS. TITLE: SALE OF 800mhz ANALOG RADIO SYSTEM - CITY OF CUYAHOGA FALLS. AN ORDINANCE AUTHORIZING THE FIRE CHIEF TO SELL OUR OLD 800mhz ANALOG RADIO SYSTEM EQUIPMENT TO THE CITY OF CUYAHOGA FALLS, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 44-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 45-2014

ORDINANCE NO. 45-2014. PRESENTED BY: MR. SOYARS. TITLE: BARBERTON CODIFIED ORDINANCE UPDATE. AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. It was moved by Mr.

Soyars, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 45-2014 BE ADOPTED.** Mr. Maurer asked Mrs. Miller if by passing these ordinances are we giving the publisher the authority to eliminate things that are in conflict or does that still go through the body. Mrs. Miller stated that if there was a conflict they would contact us. All Members voted “yea.” Motion carried.

ORDINANCE NO. 46-2014

ORDINANCE NO. 46-2014. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT - ORIANA HOUSE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH ORIANA HOUSE INCORPORATED FOR THE 2014 COMMUNITY CORRECTIONS CONTRACT, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 46-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 47-2014

ORDINANCE NO. 47-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$614,456.00 FROM THE UNAPPROPRIATED ITEM OF THE FY2014 COMMUNITY DEVELOPMENT BLOCK GRANT FUND INTO VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS TO CARRY OUT CDBG ACTIVITIES, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Avant, that **ORDINANCE NO. 47-2014 BE ADOPTED.** Mr. Maurer asked Mr. Stefan if this is an increase over last year, he doesn’t remember. Mr. Stefan answered it is actually a reduction and the anticipated amount was \$630,000. Mr. Maurer then asked what we received last year. Mr. Stefan answered \$650,000-\$660,000. Mr. Maurer said it has been awhile since it was \$1,000,000. Mr. Lysenko asked if this is the reason the next ordinance is being amended. Mr. Stefan answered yes and if we remember that Ms. Sheridan brought this to council at the end of last year. He stated that the funding use to come in July and now it comes in January so they have to anticipate and then wait for congress to actually make the dollar figure come out. All Members voted “yea.” Motion carried.

ORDINANCE NO. 48-2014

ORDINANCE NO. 48-2014. PRESENTED BY: MR. AVANT. TITLE: FY 2014 ANNUAL ACTION PLAN. AN ORDINANCE APPROVING THE AMENDED FY2014 CDBG ANNUAL ACTION PLAN BUDGET, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Soyars, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 48-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 49-2014

ORDINANCE NO. 49-2014. PRESENTED BY: MR. LYSENKO. TITLE: AMEND THE MOVING OHIO FORWARD DEMOLITION PROGRAM. AN ORDINANCE ALLOWING FOR THE SECOND AMENDMENT TO THE MOVING OHIO FORWARD DEMOLITION PROGRAM AGREEMENT, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mr. Endres, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Lysenko, seconded by Mr. Endres, that **ORDINANCE NO. 49-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2014

ORDINANCE NO. 50-2014. PRESENTED BY: MRS. FREY. TITLE: LEASE PURCHASE AGREEMENT – STREET DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A FIVE-YEAR LEASE PURCHASE AGREEMENT WITH KS STATE BANK BAYSTONE GOVERNMENT FINANCE FOR THE ACQUISITION OF A 2013 SCHWARZE A4000 STREET SWEEPER, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 50-2014 BE ADOPTED.** Mr. Maurer thanked Mr. Palmer for doing his due diligence and said it sounds like a superior piece of machinery. Mr. Palmer stated that he has to pass that onto his Street Superintendent Mr. Jackson and Ron Gable the Foreman and said that they did all the research. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 34-2014

ORDINANCE NO. 34-2014. PRESENTED BY: MR. LYSENKO. TITLE: ZONING MAP AMENDMENT - 604-610 E. STATE STREET. AN ORDINANCE AUTHORIZING THE REZONING OF 604-610 E. STATE STREET (PARCEL #01.10518; 01.10519; 01.10520 AND 01.10521), FROM RS70, RESIDENTIAL SINGLE FAMILY TO C4, HIGHWAY COMMERCIAL. *First Reading March 10, 2014. Second Reading March 24, 2014.* It was moved by Mr. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 34-2014 BE ADOPTED.** Mr. Avant stated that he will be voting no on this and that he thinks these storage bins don't add to your community and they don't add to your neighborhood in appearance as well as they don't bring in long term jobs. He stated they will be short term when they are built and he thinks the planning commission should have strived to get a business in that was proposed previously and he is not going to support this. Megyes, Frey, Avant, Debevec voted “no.” Lysenko, Soyars, Wagner, Endres voted “yea.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer stated he neglected to call for a moment of silence for Mr. Albert Lee who served on the planning commission for a number of years who passed away this past week. He said he was a fine man, was not a selfish man and was one of the invasion troops on D-Day. He said he was quite a fellow and was big in his church was a good family man and served the City well as a member of the planning commission and will be missed.

Mr. Maurer said if anyone didn't get a chance to read the daily paper today, Barberton got a very nice article in the local section about the college resource center that is going to be running at the library. He said for those who know Jason Miller, he was an intern at the Barberton Community Foundation and came to a number of council meetings and is a very, very fine young man and will do the City well. He said he will give the article to the clerk and if you haven't seen it she will make sure you get a copy of it.

Mr. Bauschlinger stated that he would like to expand a little bit – as everyone knows, we passed a resolution several weeks ago for Mr. Lee for serving on the board of zoning appeals for all those years and his dedication to the City. He stated he was trying to get a date, working with the family and Mr. Lee, to get him out. He said he couldn't get out in the cold weather and unfortunately this was going to be the week we were going to do it but unfortunately he passed away. He said Mr. Palmer and he took the opportunity to go to the calling hours and they met with the family and with his wife and presented the resolution that was passed. He said they put it up by the casket for the viewing hours and they were very thankful and wanted to thank all of City Council. He stated that Mr. Lee's daughter told him that up until the day that he passed away he was talking about this resolution and it meant a great deal to him.

Mr. Palmer said that he would like to add to that. He said that Mr. Bauschlinger and himself had a long lunch with Mr. Lee and during that lunch he explained all that he went through for so many years – with the war, and how he met his bride and how he brought her back and that he actually picked her up at the depot and lived a few streets over for the rest of his life. He stated it was unfortunate that he passed and we were not able to get the resolution to him when he was living. He said it was one of those situations where you just never know and it is why he is a firm believer where you treat people right from day one. He said you don't go to bed feeling bad about it. Mr. Palmer said he served with him and he was a fabulous person and always showed up and did his job.

Mrs. Miller stated on last Friday, Governor Kasich appointed Todd McKinney as the new Judge for the Barberton Municipal Court. She stated his first day will be next Monday but he has been here Saturday and all day today trying to get acclimated. She said it is a great day for Barberton.

Mr. Bauschlinger stated that there is not a Board of Zoning Appeals Meeting on Thursday.

COMMUNICATION FROM THE MAYOR

Mr. Judge thanked Council for passing Phase II of Moving Ohio Forward money and that the allocation was passed through Summit County a few weeks ago. He stated we are receiving that additional \$141,000 because of the great job that we have done and using the money in the past and the tracking of it and following the rules. He said they really make it difficult and that is why a lot of the communities can't spend the money or they don't have the personnel to do the tracking. He said we have done a great job with it and this money is going to go far.

Mr. Judge said tomorrow, Casa Del Ranchero, is going to give some of their proceeds to YMCA. He stated to go there, eat and help the YMCA without doing much.

Mr. Judge said as Mr. Maurer stated – Wednesday is the grand opening for College Now giving a little more access and information to Barberton residents. He said it will be at the library.

Mr. Judge said also on Wednesday is Planning Commission and if Council could attend they will be talking with City Architecture and AMATS who will be talking about the Connecting Communities Grant that we applied for in 2012 and awarded last year so now we are still going through the process. He said they chose a City Architecture out of Cleveland to come down and give a presentation.

Mr. Judge stated this Saturday is the Easter egg hunt at 11:00 am at Tuscora Park.

Mr. Judge said the 34th Annual Barberton City Clean-Up Day will be Saturday, April 26th.

Mr. Judge stated the City Building will be closed this Friday and wanted to wish everyone a Happy Easter.

Mr. Judge said you may have seen we could possibly get 2" of snow tonight. He said we will go from 70 degrees down to 35 – 38 degrees. He said be careful and mindful of any residents that you have in your ward and if they have any health problems, the drastic cut in temperatures could really cause issues for people. He said if you know of anyone to please get in touch with his office so they can get any help that they may need.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to adjourn.

Adjourned: 8:17 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council